



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

November 6, 1990

Mr. William J. Delmore, III
General Counsel
Office of the District Attorney
201 Fannin, Suite 200
Houston, Texas 77002

OR90-532

Dear Mr. Delmore:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10891.

The District Attorney of Harris County received an open records request for, inter alia, a document prepared by the Houston Controller's Office pertaining to an "audit of the city's sludge contracts." We have considered the exceptions you claimed, specifically sections 3(a)(3) and 3(a)(8), and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 343 (1986), resolves your request. Based on your representation that the requested information pertains to a criminal investigation currently before the grand jury in Harris County, you may withhold the information pursuant to sections 3(a)(3) and 3(a)(8) during the pendency of the investigation until such time that the report is released to any criminal defendant. See generally Open Records Decision Nos. 551 (1990), 127 (1976).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-532.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Susan Garrison".

Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/le
Ref.: ID# 10891, 11001
cc: Deborah Tedford
Houston Chronicle
P.O. Box 4260
Houston, Texas 77210